

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

EMMETT HARRIS,
Plaintiff,

v.

US MARSHALS, et al.,
Defendants.

Case No. 24-cv-04138-KAW

**ORDER TO SHOW CAUSE;
CONTINUING CASE MANAGEMENT
CONFERENCE**

Re: Dkt. No. 5

On July 9, 2024, Plaintiff filed this civil action and application to proceed *in forma pauperis*. On July 26, 2024, the Court granted Plaintiff's application to proceed *in forma pauperis*. Pursuant to 28 U.S.C. § 1915(e)(2), the Court then screened Plaintiff's complaint and found it deficient, finding that Plaintiff's case appeared to be barred by the statute of limitations. (Dkt. No. 5 at 2-3.) The Court ordered Plaintiff to file an amended complaint that provided the legal and factual basis for all claims by September 6, 2024. *Id.* at 3. The Court warned that the failure to do so would result in the case being reassigned to a district judge with the recommendation that the case be dismissed. *Id.* To date, Plaintiff has not filed an amended complaint.

Accordingly, the Court ORDERS Plaintiff to show cause, by **October 18, 2024**, why the case should not be dismissed for failure to prosecute, and why he did not timely file the amended complaint. Additionally, Plaintiff shall file the amended complaint. Failure to respond to the order to show cause and file the amended complaint by the deadline will result in the Court reassigning the case to a district judge with the recommendation that the case be dismissed.


Again, Plaintiff may wish to contact the Federal Pro Bono Project's Help Desk for assistance—a free service for pro se litigants—by calling (415) 782-8982 to make an appointment. Plaintiff may also wish to consult the manual the court has adopted to assist pro se litigants in

presenting their case. This manual, and other free information for pro se litigants, is available online at: <https://cand.uscourts.gov/pro-se-litigants/>.

The Court CONTINUES the October 8, 2024 case management conference to **January 21, 2025** at 1:30 p.m.

IT IS SO ORDERED.

Dated: September 20, 2024


KANDIS A. WESTMORE
United States Magistrate Judge

United States District Court
Northern District of California